



BULLETIN

Maximum income benefit and mileage reimbursement rate have increased

Effective January 1, 2005, the **maximum weekly income benefit** under the Nebraska Workers' Compensation Act has increased to \$579.00. This amount applies to work-related injuries and illnesses occurring on or after January 1, 2005. This amount equals 100 percent of the state average weekly wage as determined by the Nebraska Workers' Compensation Court. The maximum is set according to a statutory formula.

The previous maximum weekly income benefit levels will continue to apply to work-related injuries and illnesses occurring during their effective dates. The minimum weekly income benefit remains at \$49.00.

Effective January 1, 2005, the **mileage reimbursement rate** has increased to 40.5¢ per mile for travel to seek medical treatment or while participating in a vocational rehabilitation plan. This conforms to the reimbursement rate paid to State of Nebraska employees.

For more information, please call the court's toll-free information line at 800-599-5155 or 402-471-6468. The court's Web site (<http://www.wcc.ne.gov/>) also contains information regarding the court's operations. ♦

Nebraska Workers' Compensation Court
P.O. Box 98908, Lincoln, NE 68509-8908
800-599-5155 or 402-471-6468
<http://www.wcc.ne.gov/>



Who to contact regarding Medicare set-aside arrangements

Parties to a workers' compensation settlement have certain responsibilities under the Medicare Secondary Payer laws to protect Medicare's interests when resolving workers' compensation cases. If Medicare's interests are not considered, the Center for Medicare and Medicaid Services (CMS) has a right of recovery against any entity that received a portion of a third party payment. Representatives of the Kansas City Regional Office of CMS recently provided the following list of important contacts for questions relating to Medicare set-aside arrangements.

- **To Notify Medicare of a Workers' Compensation Claim**
1-800-999-1118
- **Medicare Overpayments in WC Cases/ Annual Accounting & Final Reports***
Mutual of Omaha
Attn: Medicare Secondary Payer
P.O. Box 1602
Omaha, NE 68101
- **To submit WCSA Proposals (effective May 1, 2004)***
Centers for Medicare & Medicaid Services
c/o Coordination of Benefits Contractor
Attn: WCSA Proposal
P.O. Box 660
New York, NY 10274-0660
- **Kansas City Regional Office**
Centers for Medicare & Medicaid Services
Division of Medicare Financial Management
601 E. 12th Street, Room 235
Kansas City, MO 64106

Doug Rundle
Michelle Velasquez
Phone (816) 426-6577
FAX (816) 426-3760

- **Web sites**
<http://.cms.hhs.gov>
<http://.cms.hhs.gov/medicare/cob/pdf/wcfuturebene.pdf>
http://.cms.hhs.gov/medicare/cob/pdf/wc_faqs.pdf
http://.cms.hhs.gov/medicare/cob/pdf/wc_faqs2.pdf
- **Open-Door Forum Schedule**
<http://www.cms.gov/opendoor/>
- **For General Questions Including Covered/Non-Covered Services**
1-800-MEDICARE

*Please note that all proposals should be sent via the U.S. Postal Service, as FedEx and UPS do not deliver to post office boxes.

HIPAA and Workers' Compensation in Nebraska

Federal regulations mandated by the Health Insurance Portability and Accountability Act (HIPAA) went into effect April 14, 2003. One of the goals of HIPAA and the related regulations is to protect the privacy of health records used and disclosed by covered entities. Covered entities include health care providers who conduct certain financial and administrative transactions electronically, health care clearinghouses, and health plans.

Workers' Compensation Exception

The HIPAA Privacy Rule is important because covered health care providers, including those that treat employees with workers' compensation injuries, are required to comply with its requirements. The Privacy Rule recognizes the legitimate need of insurers and other entities involved in workers' compensation systems to have access to individuals' health information as authorized by state or other law.

Under HIPAA regulations, protected health information may be disclosed:

- As authorized by and to the extent necessary to comply with the laws relating to workers' compensation or similar programs established by law that provide benefits for work-related injuries or illness without regard to fault. See 45 CFR 164.512(l).
- To the extent the disclosure is required by state or other law. The disclosure must comply with and be limited to what the law requires. See 45 CFR 164.512(a).
- For purposes of obtaining payment for any health care provided to the injured or ill worker. See 45 CFR 164.502(a)(1)(ii) and the definition of "payment" at 45 CFR 164.501.

Nebraska law relating to the release of medical and hospital information in

workers' compensation cases states as follows: "Generally, all medical and hospital information relevant to the particular injury shall, on demand, be made available to the employer, the employee, the carrier, and the compensation court. The party requesting such medical and hospital information shall pay the cost thereof. No such relevant information developed in connection with treatment or examination for which compensation is sought shall be considered a privileged communication for purposes of a workers' compensation claim. When a physician or other provider of medical services willfully fails to make any report required of him or her under this section, the compensation court may order the forfeiture of his or her right to all or part of payment due for services rendered in connection with the particular case." See Neb.Rev.Stat. §48-120(4).

The federal Office of Civil Rights (OCR), which administers the HIPAA Privacy Rule, has issued guidance on the interpretation of the Rule for workers' compensation records. The full text of this information can be accessed from the following Web page: <http://www.hhs.gov/ocr/hipaa/guidelines/workerscompensation.pdf>. The OCR Web site (<http://www.hhs.gov/ocr/hipaa/>) also includes a link to Frequently Asked Questions regarding the HIPAA Privacy rule. A list of Frequently Asked Questions that relate specifically to workers' compensation can be found on the HIPAA page of the Nebraska Workers' Compensation Court Web site (<http://www.wcc.ne.gov/hipaa.htm>).

In addition, as part of a collaborative effort of health care organizations, a model HIPAA authorization form has been developed. This form is provided courtesy of the Nebraska Strategic National Implementation Process (Nebraska SNIP), a HIPAA implementation work group. The model authorization form is available on the following Web page:

<http://www.nesnip.org/pdf/NEmodelauth.pdf>. More information about this organization can be found at their Web site: <http://www.nesnip.org/>.

Additional Information

For additional general information, including definitions of terms used in HIPAA, visit the following Web sites:

- <http://www.hhs.gov/ocr/hipaa/>. This is the Web site for the Office of Civil Rights, which is responsible for enforcement of the HIPAA Privacy Rule.
- <http://www.aspe.hhs.gov/admsimp/Index.htm>. This is the Department of Health and Human Services (HHS) Web site for HIPAA's administrative simplification provisions, i.e., standards for electronic transmissions of medical information via EDI.
- <http://www.wedi.org/public/articles/index.cfm?cat=9>. This is the Web site for the Workgroup for Electronic Data Interchange (WEDI). WEDI is a standard-setting organization for electronic medical reports and was an advisory group for HHS as they developed the HIPAA regulations.
- <http://www.ama-assn.org/ama/pub/category/4234.html>. This is the American Medical Association's (AMA) HIPAA Web page. ❖

The url for the
Nebraska Workers'
Compensation Court
Web site has
changed. Please visit
our Web site at:
<http://www.wcc.ne.gov/>

Nebraska Workers' Compensation Court

Order Form

(No Charge Items)

Ship To:

Name _____

Company Name _____

Address _____

(City) _____ (State) _____ (Zip Code) _____

Phone (_____) _____

Nebraska Workers' Compensation Court

P. O. Box 98908

Lincoln, NE 68509-8908

Phone: 402-471-6468 or 800-599-5155

FAX: 402-471-2700

Web site: <http://www.wcc.ne.gov/>

OFFICE USE ONLY

Paid by: Check _____
 Cash _____
 Mailed _____
 Picked Up _____

Single Forms (Limit of 10 per order — Copies can be made)

# SGL	Form Number/Item Name	# SGL	Form Number/Item Name
	Form 1—First Report of Injury/Illness (Rev. 03/02)		Form 4—Subsequent Report (Rev. 03/02)
	Form 12—Insurance Coverage (Rev. 6/95)		

Single Pamphlets or Packages (Limit of 4 Packages)

# SGL	# PKG	Item Name
	(25)	Rights & Obligations (English 10/03)
	(25)	Rights & Obligations (Spanish 10/03)
	(50)	Choosing a Doctor for a Work-Related Injury (English 11/99)
	(50)	Choosing a Doctor for a Work-Related Injury (Spanish 11/99)
	(25)	Vocational Rehabilitation Services under Workers' Compensation (English 2/01)
	(25)	Vocational Rehabilitation Services under Workers' Compensation (Spanish 2/01)
	(50)	Informal Dispute Resolution and Mediation (English 1/00)

Single Forms

Quantity	Form Number/Item Name	Quantity	Form Number/Item Name
	Form 63-1—Request for Independent Medical Examiner (9/01)		Form 50—Choice of Doctor (English 1/97)
	Form 67-2—Notice of Agreement to use a Named Independent Medical Examiner (7/97)		Form 50—Choice of Doctor (Spanish 8/97)
	Form 10T—Termination of Corporate Officer Waiver (Rev. 12/96)		

Nebraska Workers' Compensation Court

Order Form

(Fee Items)

Ship To:

Name _____

Company Name _____

Address _____

(City) _____ (State) _____ (Zip Code) _____

Phone (____) _____

Nebraska Workers' Compensation Court
P. O. Box 98908
Lincoln, NE 68509-8908
Phone: 402-471-6468 or 800-599-5155
FAX: 402-471-2700
Web site: <http://www.wcc.ne.gov/>

OFFICE USE ONLY

Paid by:	Check	_____
	Cash	_____
	Mailed	_____
	Picked Up	_____

Note: Many of the items below are available on our Web site (<http://www.wcc.ne.gov/pubs.htm>) for downloading and printing.

Quantity	Forms and Publications	Unit Cost	Total
	Law Book (Includes 2004 Legislative Revisions) To order, contact LexisNexis at 1-800-562-1197.		
	Rule Book (Rev. 05/2004)	\$7.00	
	Annual Report (FY 2004)	\$5.00	
	Statistical Report for Injury Years 1998 – 2003 Note: this publication is only available on our Web site (http://www.wcc.ne.gov/pubs/98-03statisticalreport.pdf).		
	Schedule of Medical & Hospital Fees To order, contact Ingenix, Inc. at 1-800-464-3649. - For 2004 Schedule, request item number 4587 (book only) or 4588 (book and CD).		
Payment should be only for publications and/or services indicated on this order form		Total Due	

All orders must be prepaid before shipping — either by check or money order

Service and handling charges are included in the listed cost of each item. Forms may be picked up at the court's location, 13th Floor, State Capitol. Please call ahead to be sure your order is ready (if paying with cash, the correct amount is required). Order forms and other information may also be downloaded from the Nebraska Workers' Compensation Court's internet Web site: <http://www.wcc.ne.gov/>. For further information, or if your order is not received within three weeks, please contact the court's information line at either **402-471-6468** or **800-599-5155**.

Claims search database available to assist trading partners with mandatory electronic filing of subsequent reports

The Nebraska Workers' Compensation Court has implemented a Claims Search Database to assist its EDI trading partners in complying with their electronic reporting responsibilities.

The basic claims information that can be accessed in the database will help trading partners to file accurate subsequent reports with the court. For example, if a trading partner is preparing to electronically file a subsequent report and doesn't know the agency claim number assigned to the claim, an approved user can search the database for the first report filed on the case, which will include the agency claim number.

To become approved for access to the database, trading partners must complete and submit an electronic EDI Trading Partner Profile, and an electronic Claims Search Database User Profile. Both of these forms may be accessed, completed and submitted electronically from the court's Web site (<http://www.wcc.ne.gov/edi/claimsdatabase.htm>).

Once the court receives and verifies this information, authorization will be granted for assigned users. The court will then provide the trading partner business contact with all necessary identification numbers, passwords and instructions for using the database.

The Claims Search Database is an application maintained within *myNebraska*, the State of Nebraska Web Portal. The *myNebraska* portal is a secure extranet Web site developed by the State of Nebraska's Information Management Services.

EDI Initiative

Since 1997, the court's Electronic Data Interchange (EDI) Initiative has allowed employers, insurers, and others to file certain forms with the court in an electronic format as opposed to sending these forms through the mail.

At the time of publication, 99.9 percent of all first reports and 90 percent of all subsequent reports are filed electronically. The court has also continued to prepare for electronic receipt of proof of insurance coverage data from insurers and their agents, which will become effective in FY 2005. The benefits of EDI include:

1. Reduced typographical errors, computational errors, misinterpretations, and omissions.
2. Reduced costs for paper and forms, postage and express mail, faxing.
3. Faster document exchange/turn-around time.
4. Reduced inventory.
5. Reduced processing costs.
6. Increased employee efficiency.
7. Benchmarking among jurisdictions using a central data repository for statistical analysis.

EDI Advisory

Court staff compiled an EDI Advisory in December that includes amendments to the court's First Report of Injury and Subsequent Report of Injury Implementation Guides.

For more information, visit our Web site's EDI page (<http://www.wcc.ne.gov/edi.htm>). This page has a link from which visitors can subscribe to receive automatic email notice of upcoming EDI Advisories. ❖



Policy change regarding the filing of paper subsequent reports of injury

In a public hearing on May 12, 2004, the Nebraska Workers' Compensation Court amended Rule 30 of its Rules of Procedure to require all subsequent reports filed **by or on behalf of** an insurance carrier, risk management pool, or self-insured employer to be filed electronically with the court no later than October 1, 2004, unless an implementation plan was approved by the court prior to that date.

Effective immediately paper subsequent reports filed by trading partners or their attorneys will be forwarded to the trading partner for electronic submission, with the exception of those filed for trad-

ing partners who have been granted an extension by the court. Attorneys for these trading partners may continue to file paper subsequent reports in Lump Sum Settlement cases during the extension period. After that time, all paper subsequent reports will be forwarded to the trading partner for electronic submission.

The purpose of this policy change is to stop duplicate filings of subsequent reports, guarantee that the court's database matches payment information in the payors system, and bring all parties into compliance with Rule 30. Questions may be directed to the court's EDI Business Contact, Su Davis, at 800-599-5155. ❖

Contacting the Nebraska Workers' Compensation Court

Telephone (Information Line):

- 800-599-5155 (toll-free)
- 402-471-6468

Note: Court staff utilize AT&T's Language Line Services to provide over-the-phone interpretation for callers with limited English-speaking proficiency.

Fax:

- 402-471-8231 (State Capitol Building, Lincoln: *Use this number to fax pleadings and other papers to be filed with the Clerk of the Court*)
- 402-471-2700 (TierOne Center, Lincoln)
- 402-595-1299 (Hall of Justice, Omaha)

Address:

• Filings and Regular Mail:

Nebraska Workers' Compensation Court
P.O. Box 98908
Lincoln NE 68509-8908

• Hearings, Filings in Person, Filings by FedEx, UPS, etc., and Deliveries to our State Capitol offices:

Nebraska Workers' Compensation Court
State Capitol Building, 13th Floor
1445 'K' Street
Lincoln, NE 68508

• Deliveries to our TierOne Center offices:

Nebraska Workers' Compensation Court
TierOne Center
1221 'N' Street, Suite 402
Lincoln, NE 68508

E-Mail:

To e-mail the court, visit our Web site (<http://www.wcc.ne.gov/>) and select either of the following links:

- **"Professional Staff"** (to contact a specific staff member), or
- **"Contact Us"** (for a response from a public information specialist)

Judges' Assistants:

Following are the phone numbers and e-mail addresses of our judges' assistants.

- **Dawn Jensen** (assistant to Judges High and Hoffert): 402-471-3923, djensen@wcc.state.ne.us
- **Angie Conner** (assistant to Judges Van Norman and Fitzgerald): 402-471-3924, angie.conner@wcc.state.ne.us
- **Eileena Stovall** (assistant to Judges Cavel, Coe, and Brown): 402-595-3900, eileena.stovall@wcc.state.ne.us

Submitting LSS applications

Attorneys submitting lump sum settlement applications are encouraged to contact the court's Public Information section before submitting settlements to verify whether a first report(s) is on file for the injury(s) being disposed of. In addition, attorneys should contact the Clerk's Office if there are questions as to whether a docket number has already been assigned for the injury being disposed of. Court staff can readily provide this information upon request. Obtaining such records before submitting a lump sum settlement should improve the accuracy of information contained in settlements. This helps reduce the number of follow-up requests needed to review and process the settlement. The end result is fewer delays for all parties involved in settlements.

Pleadings must be captioned as "Petition"

Neb.Rev.Stat. §48-173 requires that pleadings filed with the Nebraska Workers' Compensation Court be captioned as "Petition" and not as "Complaint."

The court is aware of the recently revised Nebraska Rules of Pleading in Civil Actions which govern pleadings in most state courts in Nebraska. However, the court has determined that these rules do not apply to the Workers' Compensation Court. The Nebraska Workers' Compensation Act and the court's Rules of Procedure continue to provide the applicable statutes and rules for pleadings before our court.

Compensation Court welcomes new staff

The Nebraska Workers' Compensation Court welcomes the latest staff additions to the Judicial Support section and Office of the Clerk.

Barb Frank became the manager of the court's new Judicial Support section on December 1. Melanie Ihde joined this section as Judicial Assistant I on December 8. Eileena Stovall joined the section as Judicial Assistant II for the judges in the Omaha office on January 4. In the Office of the Clerk, Jennifer Hansen-Richmond became Assistant Clerk on December 13. Emily Weatherfield became an Office Clerk on December 20. Congratulations and welcome aboard to one and all!